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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,923	01/25/2001	Jodi F. Aboujaoude	XXT-10	5338

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OLIFF & BERRIDGE PLC
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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/769,923

Applicant(s)

ABOUJAOUE ET AL.

Examiner

Thierry L. Pham

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2 and 4-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


GABRIEL GARCIA
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented by the applicants filed on 2/17/06 have been considered by the examiner but are not persuasive. On page 2 of the Response/Remarks, the applicants state the detection of such a stamp on the Japanese Yen (as taught by Suzuki) is used to indicate the possibility of forgery and executed a step for preventing such forgery using the image reading and processing apparatus of Suzuki. On page 3, the applicants argued Suzuki's reference is entirely taught away from the applicants' invention by disabling/preventing image from being copied "at all", while the applicants' claimed invention is to duplicate portion of the original image multiple times; and indicates to the examiner that the cited prior of record requires consideration as a "whole".

In response, the examiner fully disagrees with the applicants' assertions that image processing apparatus as taught by Suzuki is entirely for disabling/preventing image from being copied "at all". Image processing apparatus as shown in fig. 2 is a copy machine, and it is well known in the art that a copy machine is for duplicating/copying original documents onto print media. Suzuki teaches an image processing apparatus for disabling and/or preventing copying confidential document (i.e. money, securities), but does not exclusively disabling and/or preventing copying document that is determined not to be confidential document (fig. 10). The cited prior art reference (Suzuki) has been considered as a "whole" by the examiner. Suzuki's invention is to identify whether a document to be copied is prohibited by detecting and extracting a particular pattern/portion (e.g. specific portion 1303 "red stamp" as shown in fig. 14a, col. 4, lines 53-60, col. 8, lines 58-65, notes: Suzuki's invention is not limited to "red stamp", other patterns also implemented, col. 11, lines 10-25) of the original document (document 1302, fig. 14a). An extracted portion/pattern is then compared (col. 2, lines 5-10) to a pre-registered pattern stored in the storage memory (RAM 412, col. 9, lines 40-45) of the image processing apparatus. If an extracted/detected pattern and pre-registered pattern stored in RAM are matched, then copying of original document (i.e. document 1302, fig. 14a) is prohibited. If an extracted/detected pattern does not match to any of the pre-registered patterns stored in RAM of image processing apparatus, then copying of original document is allowed (see fig. 10 for more details). Clearly, Suzuki's invention only disables/prohibits copying of documents that have a specific portion which matches with pre-registered patterns stored in RAM, but not for all documents.

The examiner relies upon Suzuki for the teachings of detecting and extracting of specific portion/pattern of original document (e.g. specific portion 1303 of fig. 14a), which lacks from Abuyama. By incorporating detection/extraction method of Suzuki with image processing apparatus of Abuyama helps to eliminate personnel costs and to increase processing (e.g. printing) speed of the image forming apparatus of Abuyama because it automatically detects and extracts a specific portion of the original document without having user to manually detects, selects, and extracts a specific portion (i.e. character "A" of fig. 4 as taught by Abuyama) to be duplicated. Therefore, Suzuki does not teach away from the applicants' claimed invention.